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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,151	06/20/2001	Andrew Rouse	23452-133	5196
29315	7590	12/16/2004	EXAMINER	
MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC 12010 SUNSET HILLS ROAD SUITE 900 RESTON, VA 20190			ELAHEE, MD S	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/885,151	ROUSE ET AL.
	Examiner Md S Elahee	Art Unit 2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 August 2004.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-34,36-45 and 47-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-34,36-45 and 47-62 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/27/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed on 08/31/04. Claims 1-34, 36-45 and 47-62 are pending. Claims 35 and 46 have been cancelled.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-34, 36-45 and 47-62 have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the added limitations at this time.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-34, 36-45, 47-60 and 62 are rejected under 35 U.S.C. 102(e) as being anticipated by Gilhuly et al. (U.S. Patent No. 6,701,378).

Regarding claims 1 and 25, Gilhuly teaches presenting a plurality of different data items (i.e., forms) (fig. 1, 2; col.12, lines 12-25).

Gilhuly further teaches enabling selection, on the wireless client device of at least one form for displaying the transmissible media content (fig. 1; col.2, lines 34-51, col.5, lines 44-53).

Gilhuly further teaches providing a data items application associated with the selected data items to format the transmissible media content (col.2, lines 34-51, col.5, lines 44-53).

Gilhuly further teaches transmitting the formatted transmissible media content via a wireless medium (fig.1, 2; col.5, lines 44-53).

Regarding claims 2, 10, 18, 26, 42 and 52, Gilhuly teaches enabling selection at least one of a brief form option, a full form option, a create form option, a modify form option, a delete form option, a forward form option, a fax form option, and a send form option (col.5, lines 44-53, col.12, lines 12-25).

Regarding claims 3, 11, 19 and 27, Gilhuly teaches communicating via at least one of a wireless connection (i.e., Bluetooth protocol, a Wireless Application protocol, a Global System Mobile protocol, and a Wireless Markup Language protocol) (fig.1; col.4, lines 61-67).

Regarding claims 4, 12, 20 and 28, Gilhuly teaches presenting the transmissible media content to a user according to at least one displaying option (col.12, lines 12-25).

Regarding claims 5, 13, 21 and 29, Gilhuly teaches that the presentation options comprises at least one of facsimile form, memorandum form, invitation form, and user profile form (col.5, lines 44-53, col.12, lines 12-25).

Regarding claims 6, 14, 22 and 30, Gilhuly teaches that the transmissible media content comprises at least one of user data, address data, memo data, and search data (col.5, lines 44-53, col.12, lines 12-25).

Regarding claims 7, 15, 23 and 31, Gilhuly teaches communicating the transmissible media content from a data source remote from the wireless client device (col.12, lines 12-25).

Regarding claims 8, 16, 24 and 32, Gilhuly teaches that the data item (i.e., form) application comprises at least one data item and at least one portion of data (i.e., subform) (col.5, lines 44-63).

Regarding claims 9 and 17, Gilhuly teaches a display that inherently displays a plurality of data items (i.e., forms) (fig.1; col.5, lines 19-53).

Gilhuly further teaches an input interface on the wireless client device that enables selection of at least one data item (i.e., form) for inherently displaying the transmissible media content on the wireless client device (col.5, lines 19-53, col.12, lines 12-25).

Gilhuly further teaches a processor unit that provides a data item (i.e., form) application associated with the selected data item (i.e., form) to format the transmissible media content and transmits the formatted transmissible media content via a wireless medium (col.5, lines 44-53, col.12, lines 12-25).

Regarding claims 33 and 43, Gilhuly teaches that the selecting at least one form comprises inherently at least two predetermined fields (col.5, lines 44-53).

Regarding claims 34 and 44, Gilhuly teaches that one or more of the at least two predetermined fields is inherently automatically pre-filled (col.5, lines 44-53).

Regarding claim 36, Gilhuly teaches that each of the plurality of different forms is associated with at least one communication type (col.5, lines 44-53).

Regarding claims 37 and 47, Gilhuly teaches that the step of enabling selection of at least one form, on the wireless client device, comprises enabling selection of a communication type from a plurality of different communication types (Regarding claim 45, Gilhuly teaches that the at least one form option is selected by a user (col.5, lines 44-53).

Regarding claims 38, 48 and 55 are rejected for the same reasons as discussed above with respect to claim 37. Furthermore, Gilhuly teaches enabling selection of a type of receiving terminal from a plurality of different types of receiving terminals (fig.1, 2; col.5, lines 44-53).

Regarding claims 39 and 54, Gilhuly teaches that one or more receiving terminals includes at least one of a facsimile, a computer terminal, and a wireless device terminal (fig.1, 2; col.7, line 3-20).

Regarding claims 40, 50 and 58, Gilhuly teaches that the selected at least one form is inherently a custom made form (col.5, lines 44-63, col.12, lines 12-25).

Regarding claims 41 and 51, Gilhuly teaches creating a custom action associated with the selected at least one form option (col.5, lines 44-63, col.12, lines 12-25).

Regarding claim 45, Gilhuly teaches that the at least one form is selected by a user (col.5, lines 44-53).

Regarding claim 53, Gilhuly teaches a display module that inherently displays a plurality of data items (i.e., forms) (fig.1; col.5, lines 19-53).

Gilhuly further teaches at least one data items (i.e., forms) module that enables selection, on the wireless client device, of a data item for displaying transmission media content, and provides a data item application associated with the selected data item that formats the transmissible media content, such that the user is enabled to create and edit a document (col.5, lines 19-63, col.12, lines 12-25).

Gilhuly further teaches at least one processor (i.e., communication module) that communicates the data item from the wireless client device to one or more receiving terminals (col.4, lines 61-67, col.5, lines 19-63, col.12, lines 12-25).

Regarding claims 56 and 57, Gilhuly teaches that the at least one forms module includes inherently pre-stored forms (col.5, lines 19-63).

Regarding claim 59, Gilhuly teaches that the at least one forms module enables the user to specify a preferred list (i.e., form type) and a plurality of form properties of a custom form (col.5, lines 19-63, col.12, lines 12-25).

Regarding claim 60 is rejected for the same reasons as discussed above with respect to claim 33. Furthermore, Gilhuly teaches that the first predetermined field inherently includes content and the second predetermined field inherently includes a selection option (i.e., action property), and wherein the selection option facilitates communication of the content of the first predetermined field to the one or more receiving terminals (fig.1, 2; col.5, lines 19-63).

Regarding claim 62, Gilhuly teaches that the action property is inherently pre-stored in the second predetermined field (col.5, lines 19-63).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilhuly et al. (U.S. Patent No. 6,701,378) and in view of Wagner et al. (U.S. Patent No. 6,169,911).

Regarding claim 61, Gilhuly fails to teach “the action property includes one of a Mail TO property and a Dial Phone property”. Wagner teaches that the selection option includes Go option (i.e., one of a Mail TO property and a Dial Phone property) (col.5, lines 21-30). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify Gilhuly to incorporate the action property including one of a Mail TO property and a Dial Phone property as taught by Wagner. The motivation for the modification is to have doing so in order to provide voice and data communication for a user with different types of terminals.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Smith et al. (U.S. Patent No. 6,529,903) teach Methods and apparatus for using a modified index to provide search results in response to an ambiguous search query.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.E.

MD SHAFIUL ALAM ELAHEE

December 6, 2004



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